

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JERRY INDUSTRIOUS, )  
Petitioner, pro se, )  
v. ) 1:09CV307  
UNITED STATES OF AMERICA, ) 1:00CR20-1  
Respondent. )

**O R D E R**

On April 29, 2009, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner timely objected to the Recommendation.

The Court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is dismissed sua sponte for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C. §§ 2255 and 2244 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

This, the 18<sup>th</sup> of August, 2011.

/s/ N. Carlton Tilley, Jr.  
Senior United States District Judge